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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY PETITION NO. 674 OF 2004

Mr. Sunil Jamnadas Jaisingh .. Petitioner.

vs.

M/s. Carewell Printers

Pvt. Ltd., .. Respondents.

Mr. A.L. Talreja for petitioner.

Mr. V.S. Talkute for company.

CORAM : S.U.KAMDAR, J.

DATE : 8th APRIL, 2005.

P.C.

1. The learned counsel for the petitioner makes a statement that they will deposit Rs. 87,461/- within a period of two weeks from today. On such deposit being made the petition to stand dismissed. There are various proceedings in the present case. Even a prosecution under section 138 is also pending. In view thereof, if the amount is so deposited, the petition to stand dismissed. The petitioner will be at liberty to file a suit within four weeks from the date of communication of the letter from the advocate of the respondent company

of deposit being made. If such a suit is filed the amount to stand transferred to the credit of the suit and the same to be invested in a fixed deposit with any nationalised bank initially for a period of three years and to be renewed thereafter from time to time till further orders from the Court.

2. If the amount is not so deposited within the period stipulated the company petition to stand admitted and advertised. The petitioner to deposit with the Prothonotary and Senior Master a sum of Rs. 2000/- within a period of one week from today.

3. The admission of the petition to be advertised in two newspapers namely, Free Press Journal and Navshakti and Government Gazette. On the failure of the petitioner to advertise the said petition, office is directed to advertise the same by utilising the amount deposited.

4. In an event if the amount is deposited and suit is filed by the petitioner within the period stipulated hereinabove, the respondent company will be entitled to withdraw the said amount. If such amount is deposited as aforesaid, the petition to stand dismissed.